

Christopher H. Dillon
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UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

CHEM ONE LTD.,

Plaintiff,

- against -

M/V RICKMERS GENOA and M/V SUN CROSS, their engines, boilers, etc., *in rem*;
RICKMERS GENOA SCHIFFAHRSTGES mbH & Cie. KG., UNITED SHIPPING
SERVICES, INC., SESCO GROUP INC., CS MARINE CO. LTD., ESM GROUP INC.,
ESM (TIANJIN) CO., LTD., ESM II, INC., and ESM II LP., *in personam*,

Defendants.

SHANDONG INDUSTRIAL INC.,

Plaintiff,

- against -

M/V RICKMERS GENOA, her engines, boilers, etc.; M/V SUN CROSS, her engines,
boilers, etc.; RICKMERS-LINIE GmbH & CIE. KG; RICKMERS GENOA
SCHIFFAHRSTGES mbH & CIE KG; GENOA NAVIGATION CO. LTD.; C S MARINE
CO., LTD.; SUNWOO MERCHANT MARINE CO. LTD.; ESM GROUP INC., ESM
(TIANJIN) CO., LTD.; PUDONG TRANS USA INC.; and U.S. SHIPPING, INC.

Defendants.

ST. PAUL TRAVELERS, as *subrogee* of FOREIGN TIRE SALES, INC.

Plaintiff,

- against -

M/V RICKMERS GENOA and MV SUN CROSS, their engines, boilers, tackle, etc.; and
ZEN CONTINENTAL CO., INC., RICKMERS GENOA SCHIFFAHRSTGES GmbH and
CIE. K.G., RICKMERS-LINIE GmbH and CIE. KG and SUNWOO MERCHANT
MARINE CO., LTD.

Defendants

ATLANTIC COAST YACHT SALES, INC.

Plaintiff,

vs.

M/V RICKMERS GENOA, her engines, boilers, etc., M/V SUN CROSS, her engines,
boilers, etc., RICKMERS-LINIE GmbH & CIE, KG, RICKMERS GENOA
SCHIFFAHRSTGES, mbh & CIE, KG, GENOA NAVIGATION CO. LTD., CS MARINE
CO. LTD., ESM GROUP INC., ESM (TIANJIN) CO., LTD., PUDONG TRANS USA,
INC., and U.S. SHIPPING, INC.

Defendants.

RICKMERS-LINIE GmbH & Cie. KG; RICKMERS GENOA SCHIFFAHRSTGES mbH &
Cie. KG; and GENOA NAVIGATION CO. LTD.;

Third-Party Plaintiffs,

- against -

ESM GROUP INC.; ESM (TIANJIN) CO., LTD.; PUDONG TRANS USA, INC.; and U.S.
SHIPPING, INC., ESM II, INC., and ESM II LP.

Third-Party Defendants

05 CV 4261 (LAP-THK)
05 CV 6226 (LAP-THK)
05 CV 8841 (LAP-THK)
05 CV 9472 (LAP-THK)

NOTICE OF MOTIONS
FOR SUMMARY
JUDGMENT BY ESM
GROUP INC. AND ESM
(TIANJIN) CO. LTD.

Electronically Filed

PLEASE TAKE NOTICE that pursuant to Fed. R. Civ. P. 56(b), and upon the accompanying Memorandum of Law, Local Civil Rule 56.1 Statement, and the supporting Declaration of John Bland, along with the Affidavits of Christopher H. Dillon, QinQin T. McCarthy, and Edward J. Kelly, including the exhibits and appendices thereto, ESM Group Inc. and ESM (Tianjin) Co. Ltd., hereby move this Court, before the Honorable Judge Loretta A. Preska, United States Chief District Judge, for summary judgment dismissing all the claims asserted in these consolidated cases against ESM Group Inc. and ESM (Tianjin) Co. Ltd., and for such other or further or different relief as the Court may deem just and proper.

In accordance with this Court's Endorsed Order dated April 1, 2010, opposing papers are to be filed by May 28, 2010, and reply papers by June 29, 2010.

Dated: New York, New York
April 16, 2010

BURKE & PARSONS
Attorneys for Defendants and
Third-Party Defendants
ESM Group Inc. and ESM (Tianjin) Co. Ltd.

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TO: All Counsel of Record per Attached List by Email and First Class Mail

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